

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CATHERINE A. CARLINO, :
 :
Plaintiff :
 :
v. : CIVIL ACTION NO. 3:15-0372
 :
 : (JUDGE MANNION)
GEORGENE BORUSIEWICZ, *et al.*, :
 :
Defendants :

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS HEREBY**

ORDERED THAT:

1. Defendants' motions to dismiss, (Doc. [58](#), Doc. [61](#)) are **GRANTED** with respect to plaintiff's request for punitive damages in Count I of her SAC, (Doc. [56](#)), and this request is **DISMISSED WITH PREJUDICE**.
2. The motion of defendants Diehl, Appletree, Laurelwoods and Big Boulder, (Doc. [58](#)), and the motion of defendant Borusiewicz, (Doc. [61](#)), to dismiss plaintiff's breach of contract claim in Count II of the SAC as an intended third party beneficiary are **DENIED**.
3. The motion of defendants Diehl, Appletree, Laurelwoods and Big Boulder, (Doc. [58](#)), and the motion of defendant Borusiewicz, (Doc. [61](#)), to dismiss plaintiff's breach of the implied warranty of habitability claim against all of them in Count II of the SAC are **GRANTED** and this claim is **DISMISSED WITH PREJUDICE**.
4. All defendants are directed to file their answers to the remaining claims against them in plaintiff's SAC on or before February 26, 2016.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: February 16, 2016